

Exhibit 22

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1                   UNITED STATES DISTRICT COURT  
2                   MIDDLE DISTRICT OF FLORIDA  
3                   ORLANDO DIVISION

3 - - - - - - - - - - - - - - - X  
4 RARE BREED TRIGGERS, LLC, :  
and KEVIN C. MAXWELL, :  
5                   Plaintiffs, : Case No.:  
6                   vs. : 6:21-cv-1245-CEM-GJK  
7 MERRICK GARLAND, CRAIG :  
SAIER, MARVIN RICHARDSON, : Orlando, Florida  
8 U.S. DEPARTMENT OF : September 16, 2021  
JUSTICE, and BUREAU OF : 10:26 a.m.  
9 ALCOHOL, TOBACCO, :  
FIREARMS AND EXPLOSIVES, :  
10                  Defendants. :  
11 - - - - - - - - - - - - - - - X

12                  TRANSCRIPT OF TELEPHONE STATUS CONFERENCE  
13                  BEFORE THE HONORABLE CARLOS E. MENDOZA  
14                  UNITED STATES DISTRICT JUDGE

15 APPEARANCES VIA TELEPHONE:

16                  Counsel for Plaintiff:         Kevin C. Maxwell  
17    Kevin C. Maxwell, Esquire  
18    255 Primera Blvd., Suite 160  
19    Lake Mary, FL 32746

20                  Counsel for Defendant:         Michael Patrick Clendenen  
21    Civil Division  
22    Federal Programs Branch  
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24    Washington, DC 20005

25 Proceedings recorded by mechanical stenography.  
Transcript produced by computer-aided transcription.

Court Reporter: Suzanne L. Trimble, CCR, CRR, RPR  
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1 P R O C E E D I N G S

2 THE COURTROOM DEPUTY: Rare Breed Triggers, LLC, et  
3 al, v. Garland, et al, Case No. 6:21-cv-1245.

4 Counsel, please state your appearances for the record,  
5 starting with the Plaintiffs.

6 MR. MAXWELL: Kevin Maxwell on behalf of the  
7 Plaintiffs, Your Honor.

8 THE COURT: Good morning.

9 MR. MAXWELL: Good morning, Judge.

10 MR. CLENDENEN: Good morning, Your Honor. Michael  
11 Clendenen from the Department of Justice for the United States.

12 THE COURT: Good morning.

13 All right. I set this case for status conference to see if  
14 any changes had occurred since the filing of the initial motion  
15 because it indicated originally that there were potential  
16 criminal charges and that they were imminent.

17 So has any change taken place in that realm from the  
18 Plaintiffs' perspective? Are there criminal charges that are  
19 pending or imminent at this point.

20 MR. MAXWELL: Your Honor, it is my impression there  
21 are. I've tried to speak to the U.S. Attorney in the Western  
22 District of Texas. I received a subpoena from them to appear  
23 for testimony. I did not hear back from the U.S. Attorney. I  
24 did reach out to the ATF agent and explained to him my  
25 predicament. And he said he was going to go speak to the U.S.

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1 Attorney, but he did not want me to appear for deposition -- or  
2 for testimony for the grand jury.

3 So at this point, I don't know who the subject of the  
4 investigation is, but I did get subpoenaed to testify, and based  
5 on the records that I was being requested to provide, it is my  
6 impression that it was going to be used to pursue myself and  
7 anyone else associated with Rare Breed Triggers.

8 THE COURT: All right.

9 MR. CLENDENEN: Your Honor, if I may.

10 THE COURT: Sure, please.

11 MR. CLENDENEN: That's not -- that isn't all entirely  
12 accurate, Your Honor. The Plaintiff received a subpoena just  
13 for records in an unrelated matter in the Western District of  
14 Texas. Mr. Maxwell and Rare Breed Triggers are not the subject  
15 of that investigation, and the investigation does not involve  
16 the FRT-15 or machine gun classification.

17 THE COURT: Well, I think the next logical thing to do  
18 on the matter pending in this Court is to set it for an  
19 evidentiary hearing.

20 So from the Plaintiffs' perspective, how much time are you  
21 requesting? I think we should be able to get this done in part  
22 of a day or certainly within a day. So how much time are you  
23 asking for?

24 MR. MAXWELL: I think in a day will happen, Your  
25 Honor. I'm going to have between four and seven witnesses,

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1 depending on who from the dissent they are able to bring to  
2 testify. Specifically, I'll be looking for Mr. Smith and anyone  
3 that's prepared to cooperate in Mr. Smith's evaluation of the  
4 trigger and then my four expert witnesses.

5 THE COURT: Well, I mean, I would imagine if you're  
6 going to be presenting any testimony at the hearing, as you  
7 probably gleaned from the last time we were in here, you're  
8 going to have some hurdles to clear, because I have a feeling  
9 your opposing counsel is going to be filing motions seeking to  
10 limit or prohibit that. And I've made no decision on that, but  
11 they've made it clear that they're going to try to prevent you  
12 from presenting this information. So you should -- you should  
13 have your ducks in a row if you do plan on moving forward with  
14 live testimony in the form of expert testimony at this hearing.

15 All right. So let's see how soon we can get them in here  
16 then. Maria, what do we have? We just need a day.

17 THE COURTRoom DEPUTY: We can do Wednesday,  
18 September 29th.

19 THE COURT: Let me see what we have. I'm proposing  
20 Wednesday, September 29th. You get the entire day, starting at  
21 9:00 a.m. Is that date and time acceptable to the Plaintiff?

22 MR. MAXWELL: Your Honor, I'm already scheduled for a  
23 hearing at 8:30 in Orange County, Your Honor.

24 THE COURT: Okay. So that doesn't work.

25 MR. MAXWELL: If I can get that -- Your Honor, if I

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1 could get that moved -- but given the number of attorneys  
2 involved in that particular case, I doubt if I'm going to be  
3 able to get that moved maybe because I think it's taken almost  
4 three weeks to get it set as it is.

5 THE COURT: That's fine. How about from the  
6 Plaintiffs' perspective, Monday, October 4th, starting at  
7 9:00 a.m.?

8 MR. MAXWELL: I have that available, Your Honor.

9 THE COURT: Is the defense available on that date as  
10 well?

11 MR. CLENDENEN: Yes, Your Honor.

12 THE COURT: All right. Thank you, both. You have the  
13 entire day. I don't think it's going to take an entire day. So  
14 I'm not going to set any sort of pretrial telephonic status  
15 conference prior to the 4th because it's a bit of a short fuse.  
16 However, I think we have enough time cleared. I'm not going to  
17 schedule anything else that entire day. So if there are any  
18 administrative issues or evidentiary issues that arise during  
19 the course of this hearing, I think we have enough time on that  
20 day to handle it and move forward substantively with whatever  
21 you plan on presenting to the Court.

22 So with that said, I will see everyone on -- and this is  
23 going to be a live hearing. This is not going to be telephonic.  
24 Well, let me think about that. Yeah, if you're going to be --

25 MR. MAXWELL: Your Honor, if I may.

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1           THE COURT: I can't make a decision. I'm going to  
2 call it "live" at this point because the Plaintiff has indicated  
3 they plan on presenting evidence in the form of live testimony  
4 before the Court, and I need to see that. If we were to reach a  
5 point where this was going to be pure legal argument based on  
6 the record, then I would be willing to adjust at some point, but  
7 right now I'm moving forward with the presumption that the  
8 Plaintiff is going to be presenting live testimony, and for that  
9 reason it needs to be a live hearing. So we're looking at  
10 Monday, October -- what is it again?

11           THE COURTROOM DEPUTY: The 4th.

12           THE COURT: October 4th, the entire day.

13           MR. MAXWELL: The 4th, Your Honor.

14           THE COURT: All right. Thank you, both.

15           Is there anything from the Plaintiff?

16           MR. MAXWELL: No, Your Honor, not at this time.

17           THE COURT: All right. Thank you.

18           Anything further from the defense?

19           MR. CLENDENEN: Just, Your Honor, that we will intend  
20 to file a motion in limine very soon, one regarding the  
21 available evidence at the hearing.

22           THE COURT: I would be surprised if you didn't. And  
23 so I would expect a response from your opposing party and  
24 because of the short fuse here, I might have to consider your  
25 motion and response and make a decision on the day of the

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1 hearing. So I understand and it's unfortunate that may  
2 inconvenience the Plaintiff, who might have to bring a witness  
3 here that may or may not get to testify, but as soon as you file  
4 your motion and I get a response, it puts me in the best  
5 position to try to get out a decision as soon as possible, but I  
6 can do nothing until I have a motion and a response. So I'll  
7 look for that motion, and we'll react accordingly.

8 Thank you, both. Have a good morning.

9 MR. MAXWELL: Thank you, Judge.

10 MR. CLENDENEN: Thank you, Your Honor.

11 (WHEREUPON, this matter was concluded at 10:33 a.m.)

12 \* \* \*

13 CERTIFICATE OF REPORTER

14 I certify that the foregoing is a correct transcript of the  
15 record of proceedings in the above-entitled matter.

16 /s/ Suzanne L. Trimble \_\_\_\_\_  
17 Suzanne L. Trimble, CCR, CRR, RPR  
18 Official Court Reporter

19 9/22/21  
20 Date

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